

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KERRY LYNN LEWIS, JR.,	)	CIVIL ACTION NO.
ID # 48739-177,	)	
Movant,	)	3:17-CV-1739-G
vs.	)	
	)	CRIMINAL ACTION NO.
UNITED STATES OF AMERICA,	)	
Respondent.	)	3:14-CR-372(01)-G

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court. For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the *pro se* movant's objections to the report & recommendation of the Honorable Irma Carrillo Ramirez, United States Magistrate Judge, received on April 1, 2019 (docket entry 18), is construed as a motion under Fed. R. Civ. P. 59(e) and **DENIED**. For the same reasons, the motion to alter or amend judgment, received April 12, 2019 (docket entry 20), which seeks to alter or amend the judgment based on the same objections considered by the United States Magistrate Judge, is also **DENIED**.

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c) and after considering the record in this case, the movant is **DENIED** a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation (docket entry 15) in support of its finding that the movant has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If the movant files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SO ORDERED.

April 24, 2019.

  
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A. JOE FISH  
Senior United States District Judge